

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES

Frederick Town Hall

August 11, 2009

7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Jim Wollack, Liberta Hattel, Tony Carey and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Planning Director Jennifer Simmons, Engineering Director Dick Leffler and Assistant to Town Administrator Jordan Eichem. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:03 p.m.; role call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA AM 2009-071, To Approve a Lease Agreement with Halleck Holdings, LLC for the Town's Use of Vacant Lots Adjacent to the Public Works Building was removed from tonight's agenda. There were no additions to the agenda.

PUBLIC COMMENT

Suzi Fitzpatrick, owner of Suzi Cue's, informed the Board of Trustees that she had inquired about extending her area to serve alcohol to include the empty lot adjacent to her existing building. The Frederick Land Use Code prohibits a bar, tavern, etc. to be in business within 250 feet of a residential establishment. Fitzpatrick was denied her request to extend her business to the adjacent property. Town staff did indicate Fitzpatrick would be allowed to apply for a waiver to the Land Use Code requirement.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Home Rule Charter Update, Miners' Day Celebration 2009, New Phone System and Upcoming Board of Trustees Work Sessions. The Engineering Department provided information about training, the concrete repair bid and new commercial development. The Police Department provided information about a grant awarded to the Police Department and the outcome for the National Night Out.

Mayor Doering recognized Nanette Fornof, Town Clerk, for completing the Master Municipal Clerk Academy. Mayor Doering also provided information to the Board of Trustees about UQM Technologies, a business located in Frederick, receiving 45.1 million stimulus dollars for the technology of electric propulsion systems. UQM Technologies is a

developer of alternative energy technologies; they announced that the Zero Truck an all-electric zero emission vehicle, will be in the market soon.

Finance Director/Human Resources, Marcia Lierman provided the Board with additional graphs; 2009 Expenditures, General Fund Mid-Year, General Fund, General Fund Revenues, and General Fund Expenditures. The Board will review the additional graphs and inquire about additional information if need be.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Samson updated the Board regarding the status of the Letter of Credit for the Rinn Valley Landscaping project. The original Letter of Credit will be extended for another year; however if Lennar Homes doesn't extend the Letter of Credit, Samson would like to make a draw on the Letter of Credit. Samson requested the Board make a motion to have staff sign the Letter of Credit and the instruction letter. Trustee Pfirsch made a motion to direct staff to sign the Letter of Credit and letter of instruction, Trustee Wollack seconded the motion and motion carried unanimously.

PUBLIC HEARING

AM 2009-072, Replat, Rezone and Vacation of 9th and 11th Streets Carriage Hills Filing No.1 The applicant has requested to withdraw the application and cancel the previous request for a public hearing for the proposed rezoning, replat and vacation of a portion of platted road and various easements within Carriage Hills Filing #1 development in anticipation of expanding Frederick High School.

Mayor Doering asked if the applicant had anything to add to the request; the applicant provided no additional information. Mayor Doering then opened the Public Hearing at 7:30p.m.; there being no comments or questions Mayor Doering closed the Public Hearing at 7:30p.m.

ACTION AGENDA

AM 2009-073, Request to Consider Extending the Approval of the Waters Edge Subdivision Preliminary Plat At the August 12, 2008, Board meeting the Board approved the applicant's request for approval to zone the property, create a PUD Overlay establishing development parameters for the development of the site and Sketch Plan/Preliminary Plat of the 89.9 acre site located west of Milavec Lake. The approved development included 364 dwelling units including 44 single family lots and 320 patio homes/townhome/multi-family land uses and a commercial area. The density for the R-1 zone is proposed at 2.25 dwellings per acre and 6.06 dwellings per acre in the R-2 Zone. The applicant had proposed 17 acres for commercial development. The application was considered by the Planning Commission on July 15, 2008 and the Board of Trustees on August 12, 2008. The application was approved by the Board of Trustees subject to conditions outlined in Resolution 08R061. However, preliminary plats are valid for only one year. The applicant is requesting an extension which will allow for completion of the engineering required for final plat and to consider the market conditions.

Motion by Trustee Carey to approve Resolution 09R035, A RESOLUTION REGARDING EXTENSION OF THE APPROVAL FOR THE SKETCH/PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN OF WATERS EDGE SUBDIVISION, AND READOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PLAT, Trustee Schiers seconded the motion and motion carried unanimously.

AM 2009-071, To Approve a Lease Agreement with Halleck Holdings, LLC for the Town's Use of Vacant Lots Adjacent to the Public Works Building This item was removed from tonight's agenda.

CONSENT AGENDA

Motion by Trustee Carey to approve the Consent Agenda with the following items; Approval of the List of Warrants for August 11, 2009, Approval of the July 21, 2009, Special Meeting Minutes and July 28, 2009, Regular Meeting Minutes and Special Meeting Minutes. Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

MAYOR AND BOARD REPORTS

Trustee Carey made comment about the Downtown Development Study, which included comments about the expansion of Suzi Cue's establishment, JJ's Coffee House holding events on private property, implementing a Use of Public Places Policy and Pete's Place sandwich board.

Mayor Pro Tem Wedel also made comment about Suzi Cue's wanting to expand her establishment and making sure Suzi Cue's was complying with the regulations set forth by the Town of Frederick. After a lengthy discussion, the Board requested staff to contact Suzi Fitzpatrick and inform her about what alternatives she has to her request. At the work session Mayor Pro Tem Wedel inquired about the issues addressed in the Town's Audit Management Letter; she (Mayor Pro Tem Wedel) asked if additional information was available for the Board; staff indicated the information requested will be available at a later date.

Mayor Pro Tem Wedel made a motion to hire RMHR to complete a Human Resource Assessment, in the amount not to exceed \$1,800, Trustee Carey seconded the motion and motion carried unanimously.

Trustee Wollack also made comment about Suzi Cue's request to expand her establishment. Staff will contact Suzi Fitzpatrick and provide her with additional information. Trustee Wollack also made comment about the "Beer Garden" for Miners' Day Celebration, Storm Drainage and new street signage. Motion by Wollack to direct staff to delay the purchase of the new street signs until the street naming is resolved between the residents and Weld County, Mayor Pro Tem Wedel seconded the motion, motion carried unanimously.

Trustee Schiers inquired about the conditions set forth with Suzi Cue's possible waiver to the Town regulations and how that would impact further property owners. Attorney Rick Samson indicated that the conditions would end once the property is sold. Trustee Schiers also stated that she had attended Fire Chief Ted Poszywak open house and was very impressed with this year's Board/Staff retreat-she would like to have a facilitator run the retreat every year.

Trustee Hattel stated this year's Board/Staff retreat was the best ever and congratulated Town Clerk Nanette Fornof for her Master Municipal Clerk certification.

Trustee Pfirsch also congratulated Town Clerk Nanette Fornof, for her Master Municipal Clerk certification. Trustee Pfirsch updated the Board on the DRCOG meetings, great retreat and weeds that are in violation.

Mayor Doering provided his Mayor's report during the Administrative Report.

There being no further discussion, Mayor Doering closed the regular meeting at 8:23p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor